

The Honorable Benjamin H. Settle

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

JOHN DOE #1, an individual, JOHN DOE
#2, an individual, and PROTECT
MARRIAGE WASHINGTON,

Plaintiffs,

v.

SAM REED, in his official capacity as
Secretary of State of State of Washington,
BRENDA GALARZA, in her official
capacity as Public Records Officer for the
Secretary of State of State of Washington,

Defendants.

NO. 3:09-CV-05456-BHS

DECLARATION OF
NANCY KRIER

I, Nancy Krier, declare as follows:

1. I am over the age of 18 and competent to testify on the matters contained in this declaration.

2. I am employed by the Washington State Public Disclosure Commission (PDC) as General Counsel. I have been with the PDC from July 2007 through present. My primary duties are to provide legal advice to and legal support for the Commission. I also assist PDC staff in responding to public records requests directed to the PDC.

3. The PDC Commissioners are not now nor have they been a party in this case.

1 4. I have had no contact with the Plaintiffs in this matter regarding their proposal to
2 amend their complaint to include the PDC Commissioners as parties and to add new claims
3 concerning the PDC statutes and rules at RCW 42.17 and Title 390 WAC. My contact
4 information (title, address, telephone and email address) is available on the PDC's website at
5 www.pdc.wa.gov through a link on the main page titled "Contact Us." My address, telephone
6 and fax number are also available on the Washington State Bar Association's website at
7 www.wsba.org.

8 5. I recall that sometime in September 2009, I received a voicemail message from an
9 attorney I did not know with a question regarding RCW 42.17. I forwarded the voicemail
10 inquiry to PDC staff member Lori Anderson for response. To the best of my recollection, there
11 was no information in that voicemail message about this lawsuit. I later determined that the
12 caller appeared to have been one of the attorneys from a law firm representing the Plaintiffs in
13 this matter, Scott Bieniek.

14 6. No PDC staff member or PDC Commissioner has informed me that they have received
15 any notice from the Plaintiffs about Plaintiffs' intent to seek the leave of the court to include
16 them and challenges to RCW 42.17 in this complaint.

17 7. Likewise, no copy of any Motion to Amend the Complaint and Join Additional Parties
18 in this action, or a proposed Amended Complaint, has been served at the PDC office in
19 Olympia, Washington by the Plaintiffs, to the best of my knowledge. The PDC's telephone
20 numbers (toll-free and non-toll-free), main email address, fax number, street address and office
21 hours are available on the PDC's website main page.

22 8. I am familiar with the Plaintiff, Protect Marriage Washington (PMW) and its local
23 counsel, Stephen Pidgeon. Mr. Pidgeon had emailed the PDC at its main email address in
24 August 2009 to request a hearing for PMW under RCW 42.17 and rules under Title 390 WAC.
25 On behalf of PMW, he appeared at the public hearing here in Olympia before the
26 Commissioners on August 27, 2009. I attended that hearing and I believe I introduced myself

1 to Mr. Pidgeon, as it is my practice to introduce myself to attorneys presenting before the
2 Commission and whom I have not previously met. I also was seated at the Commission table,
3 next to the Commission Chair Jim Clements, and a nameplate identified me. Mr. Pidgeon did
4 not discuss with me any PMW proposal to seek to amend into this lawsuit the PDC
5 Commissioners as parties and PDC statutes or rules before, during or after those proceedings.

6 9. I have also reviewed the original complaint. To the best of my knowledge, the PDC
7 does not have any copies of the Referendum 71 petitions as referenced in the original
8 complaint. Additionally, I have confirmed with the PDC's Public Records Officer Suemary
9 Trobaugh that the PDC has not received a request for public records seeking copies of the
10 Referendum 71 petitions. If the PDC did receive such a request, it would explain it did not
11 have those records.

12 I declare under penalty of perjury under the laws of the state of Washington that the
13 foregoing is true and correct and of my own knowledge.

14 DATED and SIGNED this 2 day of October, 2009 at Olympia, Washington.

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17 NANCY KRIER
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